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Hindering the Nazi Hunters

The Justice Department's Nazi-hunting Office of Special Investigations is under increasing attack from critics, with its funding and its very existence at stake. It may be no coincidence that the demands for OSI's extinction come just as its years of painstaking research have begun paying off in the exposure and deportation of suspected war criminals who had taken refuge in the United States after World War II.

As long as the OSI sleuths were just digging quietly into the backgrounds of the accused ex-Nazis, little concern was expressed. Even while the years of legal actions and appeals were grinding along, opposition to the OSI drew little publicity.

But when the OSI hit paydirt, emigré organizations found sympathetic listeners in Congress and the media.

It may also be no coincidence that the often shrill cries for OSI's head coincided with the Reagan administration's heated rhetoric about the Soviet Union as the "evil empire" and the KGB as the architect of subversion worldwide.

For the key point made by OSI's critics is that the evidence against Eastern European ethnic refugees often comes primarily from the Soviets, and is therefore suspect.

But in the case of OSI's targets, the charge of KGB fabrication of evidence fails on three important grounds: The documentary evidence supplied by the Soviets has withstood court challenges in this country and abroad, and has been authenticated through exhaus-

tive scientific testing. Furthermore, the paper trail has been buttressed by personal testimony of surviving eyewitnesses, always under cross-examination by defense attorneys.

Finally, there is no plausible reason why the KGB should have expended the massive effort that would have been required to trump up evidence against dozens of suspected war criminals being investigated by the OSI. Plotting the assassination of a Polish pope who had sown the seeds of rebellion in a Soviet satellite is one thing; forging police records and payrolls in obscure areas of Nazi-occupied Eastern Europe to nail obscure concentration camp guards in the United States is quite another.

Yet the emigré groups' accusations—often couched in blatantly anti-Semitic terms—have somehow managed to gain some credence, not only on Capitol Hill but at the White House itself. So OSI insiders are understandably nervous when they hear emigré leaders call for an end to the Nazi hunt, or at least a congressional hearing into the validity of Soviet-supplied evidence used by OSI.

When OSI investigators first began their arduous search in 1979, they were aware that the evidence they gathered might be challenged as having been tampered with for political motives. Whenever possible, OSI sources told our associate Lucette Lagnado, the Soviets handed over originals of the incriminating documents.

These were then subjected to careful scientific tests—including extrac-

tion of ink and paper samples. Handwriting experts authenticated defendants' signatures on the Soviet-supplied documents. Many of the documents were verified by the defendants themselves. The documents included such mundane items as payroll records, housing registration forms and local police reports filed at the actual time of alleged war crimes.

The emigré groups charge that the eyewitness survivors were coached by the KGB to condemn the OSI suspects. Yet in every single case, according to OSI sources, the witnesses were exposed to cross-examination. And while some were consistent and condemnatory, others were not.

As Allan Ryan, the former head of OSI, put it: "They were not uniformly providing evidence that these defendants were all war criminals. They were about as honest and good as witnesses in this country. Sometimes they were helpful, sometimes not. Sometimes they told the truth and sometimes they lied."

Most of the witnesses were elderly peasants, with simple but gripping accounts of the atrocities they saw. Some broke down on the witness stand.

Eli Rosenbaum, a former OSI prosecutor, told us: "Soviet-supplied documentary and testimonial evidence has been used in war crimes trials in Western courts ever since Nuremberg. And over those nearly 40 years, no one has documented a single case of fabricated evidence or perjured testimony."

Ryan was particularly incensed at the success the emigré groups have

had recently in sowing seeds of doubt about the fairness of OSI prosecutions. "This latest offensive against OSI is nothing new," he said. "It has been going on for five years. It's the same old garbage."

Ryan said that for two or three years he patiently tried to explain OSI's methods to emigré critics, even inviting them to view the videotaped depositions of the Soviet eyewitnesses. None of the critics took him up on the offer. "These people are not interested in the truth," he said.

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